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EXAMINER

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 58

Serial Number: 08/506,032

Filing Date: 24 July 1995

Appellant(s): Donald K. Forest

EXAMINER'S ANSWER

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## EXAMINER'S ANSWER

This is in response to appellant's supplemental brief on appeal filed 10/18/99.

**(1) *Real Party in Interest.***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences.***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of claims.***

The statement of the status of claims contained in the brief is correct.

This appeal involves claims 1, 19-41, 43-58, 61-80, 82-89, 94, 101-106, 108, 112-205.

Claims 2-18, 42, 59, 60, 81, 90-93, 95-100, 107, 109-111 have been canceled.

**(4) *Status of Amendments After Final.***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of invention.*

The summary of invention contained in the brief is correct.

(6) *Issues.*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of claims.*

Appellant's brief includes a statement that claims 1, 19-41, 43-58, 61-80, 82-89, 94, 101-106, 108, 112-205 do not stand or fall together and provides reasons as set forth in 37 C.F.R. § 1.192(c)(5) and (c)(6).

(8) *Claims appealed.*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of record.*

5,177,328	Ito et al	01-1993
4,586,035	Baker	04-1986
4,931,783	Atkinson	06-1990
5,285,265	Choi	02-1994
4,291,198	Anderson	09-1981

“Computers for the Disabled” Lazzaro	06-1993
“Audio Response Terminal” Golding	03-1984

**(10) *New prior art.***

No new prior art has been applied in this Examiner's Answer.

**(11) *Grounds of rejection.***

The following ground(s) of rejection are applicable to the appealed claims.

Claims 1, 19-41, 43-58, 61-80, 82-89, 94, 101-106, 108, 112-205 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (US. PAT. NO. 5,177,328) in view of Baker (US. PAT. NO. 4,586,035), Lazzaro (“Computers for the Disabled”), Golding (“Audio Response Terminal”), Atkinson (US. PAT. NO. 4,931,783), Choi (US. PAT. NO. 5,285,265), Anderson (US. PAT. NO. 4,291,198).

Ito discloses a display system for displaying a plurality of selectable regions on the display screen (see Fig. 2), one or more selectable region associated respectively with a sequence of one or more character. Fig. 2 of Ito does not show each of the selectable region adjacent a side of the polygon on the display, and the plurality of selectable regions in Fig. 2 of Ito do not together at least partially circumscribing a region of the display. However, Fig. 12 of Ito teaches each of the selectable region adjacent a side of the polygon of the display, and the plurality of selectable regions together at least partially circumscribing a region of the display. Thus, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to add and arrange selectable regions as suggested by Fig. 12 to the display shown in Fig. 2 of Ito, and the plurality of selectable regions together at least partially circumscribing a region of the display since the number of selectable regions and the location of the selectable regions are the desirable choice based on the desired commands to be allocated to the selection regions (note col. 7, lines 32-40 of Ito).

Ito does not explicitly disclose moving a cursor intersecting with a selectable region for selecting the selectable region. However, Baker teaches to use a cursor control for selecting a selectable region by moving the cursor within the selectable region. In addition, Baker also teaches the selectable region include an invisible subregion outside the display area. Thus, it would have been obvious to substitute one type of input manipulator for another to one having ordinary skill in the art at the time the invention was made to modify Ito to move the cursor within the selectable region for selecting the selectable region since Baker teaches it is a conventional way to activate a selectable region (col. 4, lines 15-19).

Ito does not disclose the selection means is responsive to a dwell event. However, Lazzaro discloses to select a selectable region in response to a dwell events and a pointer responsive to the movement of a body member of a user (see page 62 of Lazzaro). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the selection means of Ito to select the selectable regions in response to a dwell event as taught by Lazzaro so as to provide an input device which can be controlled by handicapped individuals whose movements are limited.

Ito as modified does not teach the display system comprising a voice output for a user having impaired speech for speaking the words responsive to the selection means. However, Golding had explicitly suggested the use of a speech synthesizer as an addition to a visual output to reproduce words, phrases, sentences to the user (page 5634), and Page 60 of Lazzaro explicitly states a speech-synthesis system has been employed to help blind people to read and nonverbal people to speak. Thus, it would have been further obvious to one having ordinary skill in the art at the time the invention was made to modify the display system of Ito as modified to have a voice output system so as to allow the operator options of using a visual image output or audible messages output which help blind people to read and nonverbal people to speak.

Ito as modified does not disclose a menu option associated with a plurality of submenu. However, it is well known in the art that a menu option is associated with a plurality of submenus (e.g., see Fig. 1 of Atkinson, EDIT is a menu, and UNDO, CUT, etc, are the submenus of the EDIT menu), and selecting a menu or submenu option in response to the intersection of the cursor and a selectable region. Thus, it would have been further obvious to one having ordinary skill in the art at the time the invention was made to modify the menu options of Ito as modified to have submenus as taught by Atkinson so as to provide additional selected functions to the user.

Ito as modified does not disclose an indicator for indicating the time difference between the cursor at a second location and the cursor at a first location. However, Choi discloses a device comprising an indicator (level meter inside the sub-screen as shown in Fig. 3) which shows the remaining time before an activation signal (selection) is optionally applied (col. 2, lines 60-64, col.

3, lines 40-42, 48-54). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the display system of Ito as modified to have an indicator as taught by Choi so as to provide the user with an opportunity to cancel or change the selected region without any interruption.

Fig. 2 of Ito as modified does not disclose each menu option associated respectively with a user activatable switch outside the display area. However, Fig. 2 and 8 of Anderson teaches each menu option associated respectively with a user activatable switch (16) outside the display area. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the display system of Ito as modified to have a user activatable switch outside the display area associated respectively with each menu option as taught by Anderson so as to enable users to have convenient (soft key) access to computer services to exercise specific control over the direction of execution of the program.

Ito as modified teaches the display system as in independent claims 71, 74, 76.

Ito as modified by Baker, Golding and Lazzaro teaches the display system as in independent claims 73, 80, 163, 164.

Ito as modified by Lazzaro teaches the display system as in independent claims 85, 19, 52, 53, 54, 63, 65, 70, 72, 79.

Ito as modified by Lazzaro and Atkinson teaches the display system as in independent claim 33.

Ito as modified by Golding, Lazzaro, and Choi teaches the display system as in independent

claim 134.

Ito as modified by Golding, Lazzaro and Anderson teaches the display system as in independent claims 159, 160, 162.

Ito as modified by Golding, Lazzaro, Atkinson and Anderson teaches the display system as in independent claim 161.

Ito as modified by Baker, Golding teaches the display system as in independent claim 198.

Ito as modified by Anderson teaches the display system as in independent claim 67.

Fig. 5 of Ito discloses the display system comprising a display screen (3), means for at least partially delimiting a plurality of selectable regions (25A-25C), and each of the selectable regions outside the display screen and each associated respectively with a displayed menu option, which within the scope of independent claims 1, 106, 114, 147, 155, 165, 166, 94, 158, 170, 39, 61, 89, 78.

As to dependent claims 20-32, 34-38, 40-51, 55-58, 62, 64, 66, 68, 69, 75, 77, 82-84, 86-88, 101-105, 108, 112, 113, 115-133, 135-146, 148-154, 156, 157, 167-169, 171-197, 199-205, they are also rejected for the same reasons as set forth in the rejection above.

**(12) *New ground of rejection.***

This Examiner's Answer does not contain any new ground of rejection.

**(13) *Response to argument.***

In response to appellant's argument that "whether the Examiner has rebutted Appellant's

assertion of discovery of the source of the problem" on pages 47-48, it has been held that the mere fact that the references relied on by the Patent and Trademark Office fail to evince an appreciation of the problem identified and solved by applicant is not, standing alone, conclusive evidence of the nonobviousness of the claimed subject matter. The references may suggest doing what an applicant has done even though workers in the art were ignorant of the existence of the problem.

In response to appellant's argument on page 48 that the examiner did not address limitations in each of the claims, all the claims have been treated and examined, the combination of the references met the limitations of the claims, note the rejection above. Since appellant has unreasonable number of claims in the file, it is a burden on the examiner to address all single claims, but the examiner has attempted to address all the independent claims.

Appellant's remarks regarding Ito and Lazzaro on pages 49-50 are not persuasive. In response to appellant arguments that 'Ito's disclosure "relates to an information processing apparatus for inputting data by an integrated display/input device", Lazzaro's disclosure relates to equipment adaptions "for motor-impaired worker usable to type on a standard keyboard"' and 'A user of the on-screen keyboard disclosed by Lazzaro is physically unable to use the integrated display/input device of Ito', the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In response to appellant's argument that Ito and

Lazzaro are not combinable is that these references are in conflict and the combination renders Ito inoperable, Fig. 2 of Ito teaches the plurality of selectable regions are **on** the display screen. Combining dwell selection of Lazzaro with Ito does not render Ito inoperable for his function since a dwell selection of Lazzaro is an alternative input device for the selection of the selectable regions in the display/input device in Fig. 2 of Ito.

Appellant's remarks regarding Ito and Atkinson on pages 50-51 are not persuasive. Appellant is ignoring Ito's teaching. The examiner is relying on Fig. 2 of Ito to teach the plurality of selectable regions are **on** the display screen, and each of the selectable regions is associated respectively with one of the menu options. Atkinson is used to teach a menu option is associated with a plurality of submenus. Thus, in modifying Ito with Atkinson one would obviously modify the menu options of Ito to have a plurality submenus within the menu so as to provide additional selectable functions to the user. Therefore, appellant's argument that "Moving menus onto the display is contrary to Ito's express purpose", and "Ito teaches away from this modification, and therefore cannot be combined with Atkinson" are not persuasive. In response to "Appellant requested, pursuant to under 37 C.F.R. §1.107(B), that the examiner provide a prior art reference or affidavit evidencing the required incentive to combine Ito with Atkinson", as long as the prior art references provide rationale for combining the references, an addition reference or affidavit evidencing incentive is **not** needed for the examiner to support the combination of the references.

Appellant's argument regarding claim 19 and its dependent claims on pages 53-62 are not persuasive since appellant is reading limitations into the claims. Appellant stated many problems with

impaired ability and the problems are solved by the "overshoot", which are not in the claims. Claim 19 only requires "an apparatus for selecting a menu option associated with an overshot selectable region on the display" which reads on any selectable region of a menu with a large size of area, e.g., see Fig. 1A of Atkinson, when the cursor 6 is positioned near the menu option "EDIT", but not exactly pointing at "EDIT", the "EDIT" option is still selected, which reads on "an apparatus for selecting a menu option associated with an overshot selectable region on the display" as claimed. Appellant's argument "whether Ito teaches selectable regions adjacent a confiner" are not persuasive since appellant is reading limitations into the claim. Nowhere in the claim does it require a confiner adjacent selectable regions. Claim 19 requires "moving the first cursor within the first polygon responsive to the successive locations indicated by the movement related signal; confining at least part of the first cursor to the polygon", which is also read by Atkinson, the screen boarder in Atkinson reads on a confiner as claimed since it is for restricting or preventing cursor movements outside the display screen. For example, see Figs. 1 and 2 of Atkinson, the cursor 6 can only be moved anywhere inside the display means 7, it would not move outside the display means, which reads on "moving the first cursor within the first polygon responsive to the successive locations indicated by the movement related signal; confining at least part of the first cursor to the polygon" as claimed.

Appellant's remarks regarding claim 33 and its dependent claims on pages 62-66 are not persuasive. Appellant's remark argue that appellant's invention comprise selectable regions partially on and partially outside the display area are not persuasive since appellant is reading limitations into the claims. Claim 33 only require "each of the first selectable regions including a first subregion

adjacent the display area and a **first subregion** on the display area", this is totally different from appellant's remarks that the subregion be partially outside the display area. As clearly shown in Fig. 2 of Ito, the selectable region (i.e. first subregion) is both adjacent and on the display area as required by the claim. Claim 33 is claiming an apparatus or device for selecting a submenu option from a menu option, nowhere in the claim does it require accommodating overshoot, tremor drift, or impaired. In response to appellant's argument (page 64) that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In response to appellant's argument regarding the claimed limitation of the dependent claims for displaying different displayed sequences on the display screen, this is not allowable since it is obvious to modify the device of Ito as modified to display any kinds of displayed sequences on the display screen since it is the function of a display to display information.

Appellant's remarks regarding claims 114 and its dependent claims on pages 66-76 are not persuasive. Claim 114 recites an alternative language, reconstruct the claim in part (c) and part (d), in which a first alternative is "(c) delimit device for delimiting selectable regions adjacent the periphery of the working region, each of the selectable regions selectable by the user and having an external boundary includes the side of the selectable region furthest from the working region and

having a confiner for preventing the movement related signal indicating the location from moving beyond the external boundary of selectable region...; and (d) ... by providing a confiner to the first particular selectable region for the movement related signal", and a second alternative language is "(c) delimit device for delimiting selectable regions adjacent the periphery of the working region, each of the selectable regions selectable by the user and having an external boundary includes the side of the selectable region furthest from the working region and having an activation area extending beyond the external boundary of the selectable region and beyond the display screen, ....; and (d) ....thereby providing the user with the ability to select the first particular selectable region while overshooting the first particular selectable region". Firstly, referring to Fig. 2 of Ito, each of the selectable region has a mark boundaries for delimiting selectable regions adjacent the periphery of the working region (the display area but not includes the selectable regions interpret the working region), each of the selectable regions selectable by the user and having an external boundary includes the side of the selectable region furthest from the working region (the outer side of the selectable region reads on the external boundary as claimed), note the examiner's remarks previously regarding the interpretation of a confiner (screen boarder for preventing the cursor move outside the display screen in Atkinson), when the display boarder in Fig. 2 of Ito to be modified as a confiner, Fig. 2 of Ito would have a confiner for preventing the movement of the cursor from moving beyond the external boundary of the selectable region, which read on the first alternative language as claimed. Secondly, Fig. 5 of Ito also reads on the claimed second alternative language. Fig. 5 of Ito shows that each of the selectable regions 25A, 25B, 25C has mark boundaries for delimiting selectable regions adjacent the periphery

of the working region (display region), each of the selectable regions is selectable by the user and having an activation area extending beyond the external boundary of the selectable region and beyond the display screen, which reads on the second alternative language as claimed.

In response to Appellant's argument that "Ito and Baker are nonanalogous art. They are directed to different problems, flowing from their different operating environments", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Appellant's argument regarding "selecting" or "activate" or "displaying" of Baker on pages 70-71 are not persuasive since appellant is reading limitation into the claim 114. Nowhere in the claim 114 does it require "selection is responsive to a dwell event". As pointed out by appellant, Baker suggests selecting the selectable region in response to an event" on col. 4, lines 15-19, which states "The appropriate action may be selected from the menu by activating one of the listed functions in any conventional way, e.g., through a mouse, or keyboard driven cursor or by some sort of touch mechanism such as a light pen or touch screen." In addition, the about statement, which also suggest the menu selection can be used by any alternative or conventional way through a mouse, or keyboard driven cursor or by a light pen or touch screen. Therefore, appellant's argument that Ito and Baker is nonanalogous art is not persuasive, it has been held that a prior art reference must either be in the field of appellant's endeavor or, if not, then be reasonably pertinent to the particular problem

with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Ito and Baker both are directed to display and input device. In response to appellant's argument (page 71) that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). As to appellant's remarks regarding "Baker teaches against selectable regions outside the display screen", note the examiner's remarks regarding a second alternative language in the claim 114 above. Appellant's remarks regarding Lazzaro and Golding on pages 73 are not persuasive since appellant is attacking the references individually.

Appellant's remarks regarding independent claim 53 on page 77 are not persuasive since Lazzaro teaches to use a head-mounted pointing device to select menu choices or virtual keys from an on screen device, and the selection means is responsive to a user-definable time period, which reads on the selection means is responsive to "a quantity equaling or exceeding a predetermined quantity, the quantity being a functions of the durations of a plurality of successive periods of intersection of two or more of the successive locations and one of the selectable regions" as claimed.

Appellant's remarks regarding independent claim 65 on pages 77-78 are not persuasive. Note

the remarks regarding claim 19 above.

Appellant's remarks regarding independent claim 67 on pages 78-81 are not persuasive. In response to Appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which applicant relies (i.e., the one switch thus has a plurality of positions, each corresponding to the location of one of the menu options. An example of such a user activatable switch is a multiposition joystick. The relationship is one switch to many menu options) are not recited in the rejected claim 67. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim requires "each menu option associated respectively with a position of a user activatable switch outside the display area, the switch being positionable with respect to the location of each menu option for selection thereof; and a selector for selecting a particular one of the menu options in response to a first position of the switch corresponding to the particular menu option ...", which meant that each menu option associated respectively with a switch position outside the display area, and a selecting means for selecting the particular one of menu options in response to a first position of the switch (press down the switch). Anderson teaches a plurality of pushbutton keys, each corresponds respectively to one of a plurality of menu options, selecting a particular one of menu option by push down the key, which reads on the limitation as claimed in claim 67. The selection responsive to a period of switch activation is taught by Lazzaro. The Final Office action has addressed the claimed limitation and the combination and is incorporated by reference therein.

Appellant's remarks regarding independent claim 85 and its dependent claims on pages 81-83 are not persuasive. Fig. 2 of Ito teaches each of selectable regions associated with a menu option. The tablet and the input pen of Ito read on the sensor signal receiving means as claimed. The device for "selecting a menu option from a plurality of pluralities of menu options" or "selecting one of the plurality of pluralities menu options", or "menu option associated with a plurality of submenu" are taught by Atkinson. Appellant's remarks regarding the combination of Ito and Baker, and the improper hindsight reconstruction of references are not persuasive, see the remarks regarding claim 114 above. In response to appellant's remarks regarding dependent claims 86-88, 101, 102, 105, note the remarks regarding claims 33 and 114 above.

Appellant's remarks regarding independent claim 94 on pages 83-84 are not persuasive since appellant is attacking references individually. Applicants cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references. As addressed in the rejections above, "a delimit device completely delimiting an invisible selectable region outside the display screen" as claimed is taught by Baker, "a voice output device" as claimed is taught by Golding, "responsive to a quantity equaling or exceeding a predetermined quantity" as claimed is taught by Lazzaro. In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., the claimed invisible selectable region is never visible, i.e. it does not become visible when involved) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181,

26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant's remarks regarding independent claim 134 and its dependent claims on pages 85-89 are not persuasive. Choi is used to teach a dwell time indicator feature which allows the user knows the remaining time before an activation signal take place so as to give an opportunity to user changing the selection. In response to appellant's argument regarding Choi, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In response to applicant's argument that "the problem addressed by Choi is not reasonably pertinent to the problem addressed by the present Application", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Appellant's remarks regarding independent claim 155 and its dependent claims on pages 89-92 are not persuasive. Note the remarks regarding claims 19, 114, 20, 19 and 33 above.

Appellant's remarks regarding independent claim 160 on pages 93-94 are not persuasive. Note the remarks regarding claims 67, 19 above.

Appellant's remarks regarding independent claim 161 on pages 94-95 are not persuasive. Note the remarks regarding claims 67, 19, 114 above.

Appellant's remarks regarding independent claim 162 on pages 95-96 are not persuasive.

Note the remarks regarding claims 67, 155, 114 above.

Appellant's remarks regarding independent claim 78 on pages 96-97 are not persuasive. Note the remarks regarding claims 94, 20, 33 above.

Appellant's remarks regarding independent claim 79 on pages 97-99 are not persuasive. Note the remarks regarding claims 19, 20 above.

Appellant's remarks regarding independent claim 80 on pages 99-100 are not persuasive.

Note the remarks regarding claims 19, 20, 114 above.

Appellant's remarks regarding independent claim 163 on pages 100-101 are not persuasive.

Note the remarks regarding claims 19, 114 above.

Appellant's remarks regarding independent claim 170 on pages 101-106 are not persuasive.

Note the remarks regarding claims 114, 53, 94, 20, 33, 134, 136, 202 above.

Appellant's remarks regarding independent claim 1 and its dependent claims on page 106 are not persuasive. Note the remarks regarding claim 170 above.

Appellant's remarks regarding independent claim 54 and its dependent claims on pages 107-108 are not persuasive since appellant is reading limitation into the claims. The claimed selection means "responsive only to an intersection of the cursor and a first one of the first plurality of regions and thereafter to a first selection event associated with one of the second plurality of selectable regions, for selecting the menu option associated with the selectable region associated with the first selection event", the claim does not require the selection responsive only to an intersection.

In the claim language, no selection takes place when an intersection of the cursor and a first one of the first plurality of regions, the selection takes place responsive to an intersection **and** to a selection event. Atkinson teaches to select a menu option responsive to an intersection of a cursor and a selectable region and pressing the switch (selection event), which read on the claim. Even if appellant's claimed selection means is responsive "only to an intersection of the cursor and a selectable region" and does not require a selection event, this is also taught by Baker. Fig. 4 of Baker teaches to move the cursor to a selectable region 38 resulting in a display and activate of a menu item 39, which read on appellant's claim if the selection means is responsive "only to an intersection of the cursor and a selectable region".

Appellant's remarks regarding independent claim 147 and its dependent claims on pages 108-111 are not persuasive. Note the remarks regarding claims 19, 114, 20, 33, 32, 36-38 above.

Appellant's remarks regarding independent claim 158 on pages 111-113 are not persuasive. Note the remarks regarding claims 19, 20, 114 and 33 above.

Appellant's remarks regarding independent claim 165 on pages 113-115 are not persuasive. Note the remarks regarding claims 19, 20, 114 and 33 above.

Appellant's remarks regarding independent claim 198 on page 115 are not persuasive. Note the remarks regarding claims 20, 114 and 155 above.

Appellant's remarks regarding independent claim 39 and its dependent claims on pages 115-117 are not persuasive. Note the remarks regarding claims 39, 114 and 19 above.

Appellant's remarks regarding independent claim 61 and its dependent claims on pages 117-

118 are not persuasive. Fig. 8 of Anderson teaches a clipper (connecting means) for generating in response to the location indicated by the body member of the operator indicating a location outside the display area, a clipped location indicative of a location on the display area. (touch a key outside the screen by the operator, e.g. key 16 next to PERSONAL ASST, indicating PERSONAL ASST on the display area is selected).

Appellant's remarks regarding independent claim 63 and its dependent claims on pages 118-119 are not persuasive. Note the remarks regarding claim 20 above.

Appellant's remarks regarding independent claim 71 on pages 119-120 are not persuasive. Note the remarks regarding claims 19 and 20 above.

Appellant's remarks regarding independent claim 72 on pages 120-121 are not persuasive. Note the remarks regarding claims 19 and 20 above.

Appellant's remarks regarding independent claim 73 and its dependent claims on pages 121-123 are not persuasive. Note the remarks regarding claims 19, 20, 114, 73, 134 above.

Appellant's remarks regarding independent claim 74 on pages 123-125 are not persuasive. Note the remarks regarding claims 19 and 20 above.

Appellant's remarks regarding independent claim 76 and its dependent claims on page 125 are not persuasive. Note the remarks regarding claim 20 above.

Appellant's remarks regarding independent claim 89 on pages 125-126 are not persuasive. Note the remarks regarding claim 20 above.

Appellant's remarks regarding independent claim 164 on pages 126-128 are not persuasive.

Note the remarks regarding claims 19, 20, 114 above.

*Conclusion*

For the above reasons, the Examiner respectfully submits that a prima facie case of obviousness of the claimed invention has been set forth in the Final office action and appellant(s) has/have failed to overcome the prima facie case of obviousness. Accordingly, it is believed that the Final rejection under 35 U.S.C. § 103 is proper and the Board of Patent Appeals and Interferences is therefore respectfully urged to sustain the Examiner's rejection(s).

Respectfully submitted,

*Regina Liang*  
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PRIMARY EXAMINER  
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RL

*RL*

*305-4719*